

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

UNITED STATES OF AMERICA	)	<u>SUPERSEDING INDICTMENT</u>
)	
v.	)	CRIMINAL NO. 4:04CR76
)	
DONOVAN ROBERT BRADLEY,	)	21 U.S.C. § 846
a/k/a "Donny"	)	Conspiracy to Possess with
(Counts 1-9,11-21)	)	Intent to Distribute and to
	)	Distribute Cocaine Base and
	)	Cocaine
TANIA JOLENE SCHMITT	)	(Count 1)
(Counts 1, 10))	
	)	21 U.S.C. § 841(a)(1)
	)	Possession with Intent to
	)	Distribute Cocaine Base
	)	(Counts 2,5)
)	
	)	18 U.S.C. § 924(c)(1)(A)
	)	Possession of a Firearm in
	)	Furtherance of a Drug
	)	Trafficking Crime
	)	(Counts 3,7,17,20)
)	
	)	21 U.S.C. § 841(a)(1)
	)	Distribution of Cocaine Base
	)	(Counts 4,8,13,15,16,19)
)	
	)	21 U.S.C. § 841(a)(1)
	)	Possession of Marijuana with
	)	Intent to Distribute
	)	(Count 6)
)	
	)	26 U.S.C. § 5861(d)
	)	Possession of an Unregistered
	)	Shotgun
	)	(Count 18)
)	
	)	18 U.S.C. § 924(a)(1)(A)
	)	Making a False Statement to a
	)	Federal Firearms Licensee
	)	(Counts 9,10,12)
)	

) 18 U.S.C. § 922(g)(1)
) Felon in Possession of a
) Firearm and Ammunition
) (Counts 11,14,21)
)
) 21 U.S.C. § 853(a)
) Criminal Forfeiture

SUPERSEDING INDICTMENT

OCTOBER 2004 Term -- at Newport News, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about October 5, 2001, and continuously thereafter up to and including the date of this indictment, in the Eastern District of Virginia, and elsewhere, DONOVAN ROBERT BRADLEY, a/k/a "Donny", and TANIA JOLENE SCHMITT the defendants herein, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with other persons, both known and unknown to the grand jury, to commit the following offenses:

1. To knowingly, intentionally and unlawfully possess with the intent to distribute 50 grams or more of a mixture and substance containing cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2;

2. To knowingly, intentionally and unlawfully distribute 50 grams or more of a mixture or substance containing cocaine base, commonly known as "crack", a Schedule II narcotic controlled

substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2;

3. To knowingly, intentionally and unlawfully possess with the intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2;

4. To knowingly, intentionally and unlawfully distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine , a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2;

WAYS, MANNER AND MEANS TO ACCOMPLISH THE CONSPIRACY

The purpose of this conspiracy was to make money through the illegal distribution of cocaine base and cocaine.

The ways, manner and means by which this conspiracy was carried out included, but was not limited to, the following:

1. It was part of the conspiracy that the defendants and unindicted co-conspirators would and did play different roles, take upon themselves different tasks and participate in the affairs of the conspiracy through various criminal acts. The defendants and

unindicted co-conspirators would and did make themselves and their services available at various times throughout the conspiracy and would participate in selected cocaine base and cocaine distribution ventures on an "as needed" basis. The roles assumed by the defendants and unindicted co-conspirators were interchangeable at various times throughout the conspiracy. Some of the roles which the defendants and unindicted co-conspirators assumed and carried out include, among others: financier, organizer, manager, distributor, packager, transporter, facilitator, currency courier, and "crack" cocaine and cocaine supplier.

2. It was further a part of the said conspiracy that the defendants and unindicted co-conspirators would and did derive substantial gross receipts from their unlawful activities.

3. It was further a part of the said conspiracy that the defendants and unindicted co-conspirators would and did possess with intent to distribute and did distribute quantities of cocaine base, commonly known as "crack" cocaine, and cocaine, both Schedule II narcotic controlled substances in the Eastern District of Virginia and elsewhere.

4. It was further a part of the said conspiracy that the defendants and unindicted co-conspirators would and did use various methods to conceal the existence of the conspiracy and their unlawful drug activities to insure the conspiracy's continuing success, including, but not limited to using large amounts of

currency and currency equivalents to finance their unlawful drug activities, using telephones, cellular telephones and telephone paging devices in nominee names for communication with others, using nominees for the acquisition of assets obtained with the profits from their illegal distribution of "crack" cocaine and cocaine.

5. It was further a part of the conspiracy that the defendants and unindicted co-conspirators would and did supply and furnish to each other and other co-conspirators, both known and unknown to the grand jury, cocaine base, commonly known as "crack" cocaine and cocaine, both Schedule II narcotic controlled substances, for distribution on both a consignment and a cash basis.

6. It was further a part of the said conspiracy that the defendants and unindicted co-conspirators would and did transport and facilitate the transportation of cocaine base, commonly known as "crack" cocaine and cocaine, both Schedule II narcotic controlled substances, for the purpose of distribution.

7. It was further a part of the said conspiracy that the defendants and co-conspirators traveled between various states.

8. It was further a part of the said conspiracy that the defendants and unindicted co-conspirators would and did meet at various times and locations within the Eastern District of Virginia and elsewhere, to exchange quantities of cocaine base, commonly known as "crack" cocaine and cocaine, both Schedule II narcotic controlled substances, for money, and at other times to receive the

proceeds from the sales of the cocaine base and cocaine.

9. It was further a part of the conspiracy that the defendants and unindicted co-conspirators would and did use telephones, cellular telephones and paging devices to communicate with each other in order to facilitate both the distribution of and the possession of with the intent to distribute "crack" cocaine and cocaine.

10. It was further a part of the conspiracy that the defendants and unindicted co-conspirators would and did hold meetings in various locations within the Eastern District of Virginia and elsewhere, concerning the distribution of "crack" cocaine and cocaine.

11. It was further a part of the conspiracy that the defendants cooked powder cocaine into "crack" cocaine at various locations in the Eastern District of Virginia for redistribution.

12. It was further a part of the conspiracy that the defendants carried firearms in the course of the conspiracy in furtherance of the conspiracy.

13. It was further part of the conspiracy that the defendants provided and sold firearms in the course of distributing cocaine base.

14. It was further part of the conspiracy that the defendant obtained firearms through "straw purchasers" and others to promote the objectives of the cocaine base and cocaine distribution enterprise and for protection.

OVERT ACTS

In furtherance of the said conspiracy and to effect the objects thereof, the defendant and co-conspirators committed overt acts in the Eastern District of Virginia and elsewhere, including but not limited to the following:

1. On or about June 27, 2002, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," exchanged a 9 mm Glock pistol in return for four grams of cocaine base from a co-conspirator.
2. On or about June 27, 2002, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," possessed with the intent to distributed four grams of cocaine base.
3. On or about December 23, 2003, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," distributed 5.996 grams of cocaine base for redistribution.
4. On or about January 1, 2004, in Newport News, Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny," possessed a quantity of cocaine and a distribution amount of marijuana, a loaded Astra .357 revolver, a Smith and Wesson .38 Special revolver, two 9mm firearm magazines, an electronic scale, and drug packaging paraphernalia in a back pack in the vicinity of 194 Chandler Place.
5. On or about January 1, 2004, in Newport News, Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny," possessed more than 50 grams of cocaine base and a 9mm Feather Industries rifle, in

a military style duffel bag in the vicinity of 194 Chandler Place.

6. On or about January 14, 2004, in Newport News, Virginia, Donovan Bradley directed TANIA JOLENE SCHMITT to purchase a firearm for him.
7. On or about January 14, 2004, in Newport News, Virginia, TANIA JOLENE SCHMITT, arranged to purchase, at Donovan Bradley's direction, a 9mm Jennings pistol at the Cash Quick Colony Pawn pawnshop on Warwick Boulevard.
8. On or about January 14, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," distributed 28.0 grams of cocaine base for redistribution.
9. On or about January 17, 2004, in Newport News, Virginia, TANIA JOLENE SCHMITT, purchased a 9mm Jennings pistol at the Cash Quick Colony Pawn pawnshop on Warwick Boulevard.
10. On or about January 17, 2004, in Newport News, Virginia, TANIA JOLENE SCHMITT, delivered a 9mm Jennings pistol to Donovan Bradley.
11. On or about January 22, 2004, in Hampton, Virginia, TANIA JOLENE SCHMITT accompanied DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," in an automobile to a Hardee's restaurant where DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," distributed 27.8 grams of cocaine base.
12. On or about January 22, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," and TANIA JOLENE SCHMITT distributed 27.8 grams of cocaine base for redistribution.

13. On or about January 22, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," offered to sell "a nine," a 9 mm handgun, to a purchaser of cocaine for \$250.00.
14. On or about February 12, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny, " and a co-conspirator, distributed 26.0 grams of cocaine base for redistribution.
15. On or about February 19, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY a/k/a "Donny," directed a co-conspirator to distribute 25.6 grams of cocaine base for redistribution.
16. On or about February 19, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny," directed a co-conspirator to sell a short barreled shotgun, with an overall length of less than 26 inches and a barrel of less than 18 inches for \$150, no serial number, in the course of and in furtherance of the distribution of 25.6 grams of cocaine base.
17. On or about March 19, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," distributed 27.9 grams of cocaine base for redistribution.
18. On or about March 19, 2004, in Hampton, Virginia, DONOVAN ROBERT BRADLEY, a/k/a/ "Donny," sold a Hi-Point, .45 caliber pistol for \$425, in the course of and in furtherance of the distribution of 27.9 grams of cocaine base.
19. In the Winter of 2004, TANIA JOLENE SCHMITT delivered approximately \$10,000 in drug proceeds to DONOVAN ROBERT BRADLEY, a/k/a/ "Donny."

(All in violation of Title 21, United States Code, Section 846).

COUNT TWO

THE GRAND JURY CHARGES THAT:

On or about June 27, 2002, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally possess with intent to distribute approximately four grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title 18, United States Code, Section 2.)

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 27, 2002, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", used, carried, and possessed a firearm, that is: a Glock 9 mm, Model 17, semi-automatic pistol, during, in relation to, and in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine Base and Cocaine, in violation of Title 21 U.S.C. § 846 as charged in Count One of this Indictment, and Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 841, as charged in Count Two of this Indictment.

(In violation of Title 18, United States Code, Sections 924(c) (1) (1) (A) .)

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 23, 2003, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally distribute approximately 5.996 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 1, 2004, at Newport News, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally possess with intent to distribute more than 50 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2.)

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 1, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally possess with intent to distribute a quantity of marijuana, a Schedule I narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.)

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 1, 2004, at Newport News, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, used, carried, and possessed a firearm, that is: one Astra .357 revolver, serial number 156819 and ammunition, one Smith and Wesson .38 Special revolver, serial number R136497, and one Feather Industries 9 mm, Model AT9 rifle, serial number A96656 during, in relation to, and in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine Base and Cocaine, in violation of Title 21 U.S.C. § 846 as charged in Count One of this Indictment; Possession of Cocaine Base with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1) as charged in Count Five of this indictment, and Possession of Marijuana with Intent to Distribute, in violation of 21 U.S.C. §841(a)(1) as charged in Count Six of this indictment.

_____(In violation of Title 18, United States Code, Section 924(c)(1)(A).)

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 14, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally distribute approximately 28.0 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 14, 2004, at Newport News, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Cash Quick Colony Pawn, 14350 Warwick Blvd., Newport News, Virginia, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that DONOVAN ROBERT BRADLEY, a/k/a "Donny", did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1587221, when, in truth and in fact, defendant was the actual buyer of said firearm.

_____(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 924 (a)(2).)

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 14, 2004, at Newport News, in the Eastern District of Virginia, TANIA JOLENE SCHMITT, the defendant herein, did unlawfully and knowingly make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Cash Quick Colony Pawn, 14350 Warwick Blvd., Newport News, Virginia, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that TANIA JOLENE SCHMITT, did represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the defendant, TANIA JOLENE SCHMITT, was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1587221, when, in truth and in fact, defendant was not the actual buyer of said firearm.

_____(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 924(a)(2).)

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 17, 2004, at Newport News, Virginia, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, having been previously convicted of a felony crime punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess, in and affecting commerce, a firearm, to wit: one Jennings, Model 9, 9 mm pistol, serial number 1587221, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1).)

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 19, 2004, at Newport News, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully and knowingly cause another to make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Cash Quick of Denbigh Pawn Shop, 15503 Warwick Blvd., Newport News, Virginia, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, in that DONOVAN ROBERT BRADLEY, a/k/a "Donny", did cause another to represent on the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record that the other person was the actual buyer, of a Jennings, 9 mm, semi-automatic pistol, serial number 1514389, when, in truth and in fact, defendant was the actual buyer of said firearm.

_____(In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 924 (a)(2).)

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 22, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally distribute approximately 27.8 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In late January, 2004, at Newport News, Virginia, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, having been previously convicted of a felony crime punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess, in and affecting commerce, a firearms, to wit: one Hi Point .45 caliber pistol, Model JHP, serial number X405289, and one Hi Point 9 mm rifle, Model 995, serial number A19788, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1).) _____

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 12, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally distribute approximately 26.0 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 19, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny," the defendant herein, did unlawfully, knowingly and intentionally distribute approximately 25.6 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 19, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, used, carried, and possessed a firearm, that is: 16 gauge sawed off shotgun, no serial number, during, in relation to, and in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine Base and Cocaine, in violation of Title 21 U.S.C. § 846 as charged in Count One of this Indictment, and Distribution of Cocaine Base, in violation of Title 21 U.S.C. § 841 as charged in Count Sixteen of this indictment.

_____(In violation of Title 18, United States Code, Section 924(c)(1)(A) and Title 18, United States Code, Section 2.)

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 19, 2004, at Hampton, Virginia, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, "Donny," the defendant herein, did unlawfully and knowingly possess one 16 gauge shotgun, no serial number, which was a weapon made from a shotgun which as modified had an overall length of less than 26 inches and a barrel of less than 18 inches, commonly called a "sawed off shotgun", and which had not been registered to the defendant in the National Firearms Registration and Transfer Record.

_____(In violation of Title 26, United States Code, Sections 5845(a) and (d), 5861(d) and 5871.)

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 19, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, did unlawfully, knowingly and intentionally distribute approximately 27.9 grams of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance.

_____(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and Title 18, United States Code, Section 2.)

COUNT TWENTY

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 19, 2004, at Hampton, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", used, carried, and possessed a firearm, that is: a Hi-Point, .45 caliber pistol, Model JHP, serial number X405289 during, in relation to, and in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine Base and Cocaine, in violation of Title 21 U.S.C. § 846 as charged in Count One of this Indictment and Distribution of Cocaine Base, in violation of Title 21 U.S.C. § 841 as charged in Count Nineteen of this indictment.

_____(In violation of Title 18, United States Code, Section 924(c) (1) (A) .)

COUNT TWENTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 19, 2004, at Hampton, Virginia, in the Eastern District of Virginia, DONOVAN ROBERT BRADLEY, a/k/a "Donny", the defendant herein, having been previously convicted of a felony crime punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess, in and affecting commerce, a firearms, to wit: one Hi Point .45 caliber pistol, Model JHP, serial number X405289, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1).)

CRIMINAL FORFEITURE

The defendant, DONOVAN ROBERT BRADLEY, a/k/a "Donny", and TANIA JOLENE SCHMITT, if convicted of Count One of this Indictment (namely Conspiracy to Possess With intent To Distribute and To Distribute Cocaine and Cocaine Base), Counts 2 and 5 (namely Possession with Intent to Distribute Cocaine Base), Counts 4, 8, 13, 15, 16, and 19 (namely Distribution of Cocaine Base), and Count 6 (namely Possession of Marijuana with Intent to Distribute), shall forfeit to the United States:

1. Any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation. Such property includes, but is not limited to, the following:

(1) one 1996 Chevrolet convertible, VIN# 2G1FP32P1T2129085;

(2) one 1995 Toyota 4 door, VIN# JT2SK12E6S0288328;

(3) \$4,151.00 in U.S. currency;

2. Any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation; and

3. Any other property of the defendant up to the value of the property subject to forfeiture above, if any property subject to forfeiture above, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third person, (c) has been place beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has

been commingled with other property that cannot be subdivided without difficulty.

(All in violation of Title 21, United States Code, Section 853).

A TRUE BILL:

FOREPERSON

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By:

Timothy R. Murphy
Special Assistant U.S. Attorney
Virginia State Bar No. 28218
Fountain Plaza Three
721 Lakefront Commons, Suite 300
Newport News, Virginia 23606
(757) 591-4000